

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

OSWALDO BARRIOS,
on behalf of himself and all others similarly
situated,

Plaintiff,

V.

**INSTALLATION SQUAD, LLC; MASTEC
NETWORK SOLUTIONS, LLC;
BERNARDO NAPOLES; and ANGEL
RINCON,**

Defendants.

**CIVIL ACTION NO. 5:25-cv-291-JKP-
ESC**

OSWALDO BARRIOS' AND MASTEC NETWORK SOLUTIONS, LLC'S
PROPOSED PRELIMINARY DISCOVERY CONTROL PLAN

Plaintiff Oswaldo Barrios and Defendant MasTec Network Solutions, LLC submit this Proposed Preliminary Discovery Control Plan:

1. The Parties' preliminary discovery will run through **October 17, 2025**. The Parties may seek leave of court for additional time if scheduling conflicts arise. Responses to discovery identified in this Preliminary Discovery Control Plan are due within 30 days after they are served, unless the parties agree otherwise.
2. **Deciding the Applicable Definition of Similarly Situated:** Plaintiff shall have until **November 14, 2025** to file his Motion for Notice to Similarly Situated Opt-in Plaintiffs. Defendants' Response will then be due 21 days after Plaintiff's Motion for Notice is filed.
3. The Court will construe Plaintiff's failure to submit a definition of similarly situated within the aforementioned amount of time as a waiver of proceeding collectively and will require Plaintiff to proceed on an individual basis.
4. **Final Scheduling Order:** The parties shall submit a proposed scheduling order to the Court for the remainder of the litigation within **thirty (30) days of the Court's ruling on Plaintiff's Motion for Notice**. The content of the proposed scheduling order shall include proposals for all deadlines set out in the Court's Order Setting Initial Pretrial Conference. ECF No. 10. The parties shall endeavor to agree concerning the contents of the proposed order, but in the event they are unable to do so, each party's position and the reasons for the disagreement shall be included in the proposed schedule submitted to the court. In the event the plaintiff has not yet obtained service on all defendants, the plaintiff shall include

an explanation of why all parties have not been served. The scheduling proposals of the parties shall be considered by the trial court, but the setting of all dates is within the discretion of the Court. The proposed scheduling order shall contain suggestions for the deadlines listed in the Court's Order Setting Initial Pretrial Conference. *See* ECF No. 10.

Dated: May 27, 2025

Respectfully submitted,

/s/ Matt Bachop (with permission)

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**ATTORNEYS FOR DEFENDANT
MASTEC NETWORK SOLUTIONS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2025, a true and correct copy of the foregoing was served on all counsel of record by the Court's ECF system, including:

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Attorney for Plaintiff

/s/ Kimberly Kauffman

Kimberly Kauffman